

REMARKS

The specification has been reviewed, and clerical errors of the specification have been amended.

On page 2 of the Action, the Abstract of the Disclosure was objected to due to informalities.

In response to the objection, the Abstract of the Disclosure has been amended

On page 2 of the Action, claims 1, 4, and 8 were objected to because of informalities. In this regard, claims 1, 4, and 8 have been amended to obviate these objections.

Further, claims 13, 14, 16, 17, and 21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response to the rejection, claim 13 has been amended to avoid the recitation about $\text{La}_3\text{Si}_{8-x}\text{Al}_x\text{N}_{11-x}\text{O}_{4+x}$. Claim 14 has been amended to change its dependency. Furthermore, claims 16-17, and 21 have been amended to change their dependencies to clarify that the fluorescent material recited in claims 16-17 and 21 corresponds the one recited in any one of claims 1, 3, and 8.

On page 3 of the Action, claims 1, 2 and 7-13 were rejected under 35 U.S.C. 102(b) as being anticipated by Van Krevel.

Further, claims 14 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Van Krevel.

On page 4 of the Action, claims 1-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application publication 2006/0049414.

It was also indicated that claim 22 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As the Action indicated, Van Krevel discloses Tb³⁺ doped Ln-Si-O-N lattices (Ln =Y, Gd and La) and further teaches that a small amount of LaSiO₂N was present in La₂Si₈N₁₁O₄.

In response to the rejections under 35 U.S.C. 102(b), claim 1 has been amended to delete the recitation regarding Tb, and to incorporate the subject matter of claim 2. Claim 8 has been amended to delete the recitation regarding Tb. Further, claims 2, 7, and 12 have been canceled

Claims 1 and 8 now amended recite that an optically active element (M) comprises one or more elements selected from Mn, Ce, Pr, Nd, Sm, Eu, Gd, Dy, Ho, Er, Tm, Yb and Lu. As is obvious, Van Krevel does not teach any of elements recited in claims 1 and 8 of the invention.

A rejection based on 35 U.S.C. 102 requires every element of the claim to be included in the reference, either directly or inherently.

Since Van Krevel does not disclose every and each element recited in the currently amended claims 1 and 8, Van Krevel does not anticipate claims 1 and 8 in the present invention. Accordingly, the rejection under 35 U.S.C. 102(b) over claims 1, 2 and 7-13 should be withdrawn.

As for the rejections over claims 14 and 21 under 35 U.S.C. 103(a) as being unpatentable over Van Krevel, in order to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

On the same grounds, Van Krevel cannot be a reference for the prima facie obviousness because claims 14 and 21 are directed to a lighting device, and an image display device, respectively, having the fluorescent material according to any one of claims 1, 3, and 8, not disclosed by Van Krevel.

Accordingly, the rejections over claims 14 and 21 under 35 U.S.C. 103(a) should be also withdrawn.

With respect to the rejection over claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application publication 2006/0049414, the applicant claims a priority of Japanese Patent Application No. 2003-346013 which was filed on October 3, 2003 in Japan, and a verified English translation thereof is submitted herewith.

As is obvious, the 2006/0049414 reference has a filing date of August 19, 2004 for a provisional application, while the Japanese priority date of the present application is October 3, 2003.

Therefore, the cited reference, 2006/0049414, cannot be a reference under U.S.C. 103(a). Please withdrawn the rejection.

In the present amendment, claim 23 depending from claim 3 has been filed.


As explained above, claims pending in the application are patentable over the cited references.

Reconsideration and allowance are earnestly solicited.

One month extension of time is hereby requested. In the amendment, total 38 are present wherein the fee for total 22 claims was paid at the time of filing the application. A credit card authorization form in the amount of \$1,290.00 is attached herewith for filing additional 16 claims (\$800.00) in excess of 22 claims, a multiple dependent claim fee (\$370.00), and one moth extension of time (\$120.00)

If any further fee is required, please charge to Deposit Account No. 11-0219.

Respectfully Submitted,

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